



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
MAY 2, 2018**

Chairman Richard Garriott , called to order the **Board of Zoning Appeals Board** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Wednesday, May 2, 2018.

The Board members' staff briefing, was held at 1:15p.m. in the City Managers Conference Room as to information pertaining to the agenda of May 2, 2018.

Board Members Present: Richard Garriott, Thomas Holland, Elizabeth Kovner, James Oglesby, Harry Purkey, Randy Sutton, David Whitley, and Myles Pocta sat as the alternate.

**Case 2018-BZA-00013: Thomas & Tanya Bacalis** A variance to a 19-foot (north) side yard setback adjacent to (Woodstock Court) a street; instead of 30-feet as required for a proposed one-story room addition **801 WOODSTOCK RD** Zoning: R10 GPIN: 1456-64-6894

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 2, 2018

**Conditions:**

1. The proposed one-story building addition shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The colors and building materials used shall be compatible with the existing dwelling.

Thomas and Tanya Bacalis appeared before the Board.

There was no opposition.

**A motion was made by Mrs. Kovner, seconded by Mr. Purkey to approve the variance with 2 conditions. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE  
HOLLAND AYE  
KOVENER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE  
POCTA No Vote Needed

**Case 2018-BZA-00015: Bradley Nadelstein** a variance to a 10.30-foot (south) rear yard setback; instead of 20-feet as required for a proposed detached single-family dwelling in the North End Overlay **204 55TH ST** Zoning: R5R (NE) GPIN: 2419-70-9141

**Board Action:** APPROVED WITH 4 CONDITIONS ON MAY 2, 2018

**Conditions:**

1. The proposed detached single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. This proposed development shall conform to all North End Design Guidelines.
3. The interior property line located between lot 6 and the eastern ½ of lot 7 shall be vacated prior to receiving final site plan approval.
4. A portion on the existing rear deck shall be removed to create the 16-foot separation between the proposed and existing dwellings.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant.

Dr. Nadelstein appeared before the Board to make commentary.

Brian Skorup of 207 54<sup>th</sup> Street and Greg Casey of 209 54<sup>th</sup> Street appeared before the Board in opposition.

**A motion was made by Mr. Holland, seconded by Mr. Oglesby to approve the variance with 4 conditions. All voted for the motion except Mr. Garriott who voted no.**

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

GARRIOTT NO  
HOLLAND AYE  
KOVENER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE  
POCTA No Vote Needed

**Case 2018-BZA-00016: Conor McInturff** a variance to a 3-foot (west) side yard setback instead of 5-feet as required for existing (HVAC) heating and cooling units **408 55TH ST** Zoning: R5R (NE) GPIN: 2418-69-9767

**Board Action:** DENIED ON MAY 2, 2018

Conor McInturff appeared before the Board.

Eva Zahn of 5405 Lakeside Avenue appeared before the Board in opposition.

**A motion was made by Mr. Holland, seconded by Mr. Purkey to deny the variance. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE  
HOLLAND AYE  
KOVENER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE  
POCTA No Vote Needed

**Case 2018-BZA-00017: Gary Williford, Sr.** a variance to a 0.5-foot (North) side yard setback; instead of 10-feet as required for an existing storage shed **228 CONVENTION DR** Zoning: R10 GPIN: 1467-61-5815

**Board Action:** DENIED ON MAY 2, 2018

Gary Williford appeared before the Board.

Rafael Torrech of 224 Convention Drive appeared before the Board in opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Sutton to deny the variance. All voted for the motion except Mr. Holland was abstained because he is friends with the applicant and a pastor at one of their churches.

AYE 7 NO 0 ABSTAIN 1 ABSENT 0

GARRIOTT AYE  
 HOLLAND ABSTAIN  
 KOVENER AYE  
 OGLESBY AYE  
 PURKEY AYE  
 SUTTON AYE  
 WHITLEY AYE  
 POCTA AYE

**Case 2018-BZA-00018: Oscar & Lenys Alcoreza** a variance to a 31-foot (west) front yard setback; instead of 50-feet as required for a proposed building addition **675 THALIA POINT RD**  
 Zoning: R20 GPIN: 1488-01-5160

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 2, 2018

**Conditions:**

1. The proposed second-story addition shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The area beneath the proposed second-story addition shall remain unenclosed.

Oscar Alcoreza and Rick Scarper appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Holland to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE  
 HOLLAND AYE  
 KOVENER AYE  
 OGLESBY AYE  
 PURKEY AYE  
 SUTTON AYE  
 WHITLEY AYE  
 POCTA No Vote Needed

**Case 2018-BZA-00019: Sean Anthony Williams** a variance to a 10-foot (north) rear yard setback; instead of 20-feet as required for a proposed rear second floor deck **703 14TH ST** Zoning: R5D GPIN: 2417-95-5536

**Board Action:** DENIED ON MAY 2, 2018

Sean Anthony Williams appeared before the Board.

There was no opposition present.

**A motion was made by Mrs. Kovner, seconded by Mr. Whitley to deny the variance. All voted for the motion except Mr. Garriott and Mr. Holland who voted no, and Mr. Purkey was abstained because he represented the applicant when he closed on his house.**

AYE	5	NO	2	ABSTAIN	1	ABSENT	0
GARRIOTT		NO					
HOLLAND		NO					
KOVENER		AYE					
OGLESBY		AYE					
PURKEY		ABSTAIN					
SUTTON		AYE					
WHITLEY		AYE					
POCTA		AYE					

**Case 2018-BZA-00020: Wood Family Partnership** a variance to a 8-foot (east) side yard setback adjacent to (Kendall Street unimproved) a street; instead of 20-feet as required for a proposed duplex **2560 OCEAN SHORE AVE** Zoning: R5R GPIN: 1590-62-8338

**Board Action:** APPROVED WITH 1 CONDITION ON MAY 2, 2018

**Conditions:**

1. The proposed 3-story duplex shall be constructed in substantial adherence to the submitted site plan.

Chris Wood appeared before the Board.

There was no opposition.

**A motion was made by Mr. Whitley, seconded by Mr. Pocta to approve the variance with 1 condition. All voted for the motion except Mr. Purkey who was abstained because he represents the Wood family.**

AYE 7 NO 0 ABSTAIN 1 ABSENT 0

GARRIOTT AYE  
HOLLAND AYE  
KOVENER AYE  
OGLESBY AYE  
PURKEY ABSTAIN  
SUTTON AYE  
WHITLEY AYE  
POCTA AYE

**Case 2018-BZA-00012: Ellis Hinnant Will** appeal the decision of the Zoning Administrator's and/or his designee regarding the nonconforming status of a single-family dwelling described in a letter dated January 9, 2018 **308 26th ST** Zoning: A12 GPIN: 2428-00-5268

**Board Action:** WITHDRAWN ON MAY 2, 2018

The applicant requested the appeal be withdrawn.

**A motion was made by Mr. Purkey, seconded by Mr. Sutton to withdraw the appeal. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE  
HOLLAND AYE  
KOVENER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE  
POCTA No Vote Needed

Respectfully Submitted

David Whitley  
Secretary

lmr